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Notes from the Director

No. 21

2 February 1978

EXECUTIVE ORDER 12036

On 24 January President Carter signed the Executive Order that has been much on our minds, and consumed much of our energies, over the past months. This Executive Order shapes the intelligence structure and provides explicit guidance on all facets of intelligence activities. Three cardinal features of the new order have significant implications for the Agency and for the way we do our job.

- (1) For the first time, a formal attempt is made to involve the country's highest policymakers in establishing collection priorities, in relating these priorities to resources, and in reviewing the intelligence product. Clearly the DCI and the CIA should not have the last word in these areas. We are not consumers, but instead provide a service and must know what our policy makers need if we are to provide that service. The Policy Review Committee, a subcommittee of the National Security Council, which I chair when matters of intelligence are discussed, is the forum in which the policymakers will make these deliberations. The Secretaries of State, Defense and Treasury, the Chairman of the Joint Chiefs of Staff, and the Assistant for National Security Affairs sit on this subcommittee and, with the President, tell me what they want and in what priority. This system has been in use for several months and is working very well.
- (2) The DCI's authority to act as the principle national intelligence officer of the government, as intended in the National Security Act of 1947, has been substantially strengthened. For the first time, the DCI has exclusive authority to develop the National Foreign Intelligence Program budget. The 1979 Community budget was put together using this new process, and it functioned splendidly. The interests of the Defense Department, State, Treasury and others were considered and general agreement reached before the budget was presented to the President.

Under the Executive Order, the DCI has been given authority to direct the tasking of all Intelligence Community collection assets. This centralized tasking should preclude needless duplication of effort and guard against potentially dangerous omissions in collection. The cooperation which this centralization encourages should also help us to anticipate Community needs for the future.

Importantly the Order does not provide the DCI with exclusive authority over analysis. In this area we shall continue to strive for and encourage independent interpretation. The Bureau of Intelligence and Research at State and the Defense Intelligence Agency will not only have the right, but the obligation to come forward with their independent analyses of the available data.

The Executive Order authorizes the DCI to ensure proper distribution of all information collected. In the past each collecting Agency has disseminated its own information. In some cases important consumers were overlooked.

- (3) Increased emphasis on the oversight process is the third cardinal feature of the Executive Order. The new restrictions are an expansion of those provided by Executive Order 11905. Under the new Order, the Attorney General will approve guidelines for the entire Community to protect the individual rights of U. S. citizens. We will work closely with the Attorney General to establish procedures and policies to ensure compliance with those guidelines and with the Executive Order.

The last major step in this overall reorganization process is congressional action on statutory charters that will incorporate the Executive Order into law. The Senate Select Committee intends to introduce its draft proposals in early February. With the signing of the Executive Order and the work begun on codification, we have reached a major milestone. In the coming months we will be settling down into a process which I believe will strengthen our capabilities, challenge our energies, and from which will evolve an intelligence philosophy which is uniquely American. We should be greatly encouraged by the prospects.

Reprinted below are President Carter's remarks before and after signing the Executive Order. An official Agency Summary of the Order is being circulated as a Headquarters Notice.

A handwritten signature in dark ink, appearing to read "Stansfield Turner", with a stylized, flowing script.

STANSFIELD TURNER
Director

THE WHITE HOUSE
REMARKS OF THE PRESIDENT
UPON SIGNING OF
THE INTELLIGENCE EXECUTIVE ORDER
THE CABINET ROOM

11:45 A.M. EST

January 24, 1978

(before signing)

THE PRESIDENT: This morning we have gathered to sign an Executive Order which makes a major stride forward in better coordination within the Intelligence Community.

One of the pleasant experiences that I have had as President is to see the professionalism and the competence of the collection and analysis and distribution of intelligence information to me and to other consumers in the Federal Government. Under Admiral Turner, this coordination has been superb, and I am very pleased this morning, after months of work with the NSC, the National Security Council, with the Department of Defense, with Admiral Turner, the CIA and the Congress committees, particularly the Senate Intelligence Committee, to have evolved an Executive Order which establishes in clear terms the responsibilities and limitations of the collection of intelligence, of counter-intelligence, and also the distribution of material that hasn't been analyzed.

The Director of Central Intelligence, Admiral Turner, will be responsible for tasking or assigning tasks to all those who collect intelligence. He will also have full control of the intelligence budget and will also be responsible for the analysis of information that does come in from all sources in the foreign intelligence field.

This Order also gives a great deal of additional responsibility for the Attorney General to make sure that the civil liberties and the privacy of American citizens is adequately protected and that the Constitutional provisions and the laws of our Nation are carried out precisely. There is a clear description of the duties and responsibilities of all those that are involved in the collection and distribution of intelligence information.

I am very proud of this Executive Order. It will be a basis for Congressional action on a charter to be written for the Intelligence Community and, I think later on, we will have one for the FBI as well.

Under this Order, though, under counter-intelligence the duties of the FBI also is spelled out. This is a fairly concise, clear delineation of how the Intelligence Community will be operating in the months ahead.

I want to express my thanks to all those that have been involved in the process. After I sign the Executive Order this morning there will be a complete briefing for the press by the members of the NSC, the Department of Defense, the Attorney General's Office, and Admiral Turner on the Intelligence Community.

(after signing)

In closing, let me remind the group once again of what I said in the beginning: One of the most professional and competent organizations with which I have ever dealt has been the Intelligence Community. It consists of several thousand highly professional, dedicated American people whose knowledge and experience stands as a bulwark in protecting the security of our Nation.

Although there have been problems in the past, probably because of an absence of a clear directive about delineations of responsibility, I think that this has quite often obscured the sacrificial work that these good men and women have done.

Again, I want to express my complete appreciation and confidence in Admiral Stan Turner, whose responsibilities under this Executive Order will be greatly magnified. He has worked very closely with the Attorney General and with the Secretary of Defense.

During normal peacetime, which I hope will prevail throughout all of our lifetime, he will have the responsibilities that I outlined. In case of a conflict or extreme national emergency, under the Executive Order the President has the authority to shift part of that responsibility to the Secretary of Defense to defend our Nation in time of war. But that will be done in a very careful, preplanned way.

And the present interrelationships that exist today to be enhanced by the Executive Order between Defense, Justice and Intelligence, is very clearly defined and is a harmonious working relationship.

This could not have been possible without a great deal of consultation, close cooperation and I think a mutual purpose that was recognized for everyone. I think this is a major step forward. I am very deeply grateful to all of you.

Thank you very much.

END [AT 12:00 NOON EST]